

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Schiavo	Team: Team # 4	CCRB Case #: 201205977	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/05/2012 3:15 AM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 11/5/2013	EO SOL 11/5/2013	
Date/Time CV Reported Thu, 05/10/2012 10:47 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/10/2012 10:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Rehman	13025	941697	103 PCT
2. POM Henry Daverin	16496	945645	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Rehman	Abuse: PO Matthew Rehman stopped § 87(2)(b)	§ 87(2)(b)
B.POM Matthew Rehman	Abuse: PO Matthew Rehman searched the car in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.POM Matthew Rehman	Abuse: PO Matthew Rehman refused to provide his shield number to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D.POM Henry Daverin	Abuse: PO Henry Daverin refused to provide his shield number to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 10, 2012, § 87(2)(b) filed his complaint with the CCRB by phone (encl. 4-5). On May 5, 2012, at 3:00 a.m., PO Matthew Rehman and PO Henry Daverin of the 103rd Precinct stopped § 87(2)(b) as he exited his vehicle after parking it in front of his home, located at § 87(2)(b) in Queens. The following allegations resulted from the officers' actions:

- **Allegation A – Abuse of Authority:** PO Matthew Rehman stopped § 87(2)(b) § 87(2)(g).
- **Allegation B – Abuse of Authority:** PO Matthew Rehman searched the car in which § 87(2)(b) was an occupant. § 87(2)(g).
- **Allegation C – Abuse of Authority:** PO Matthew Rehman refused to provide his shield number to § 87(2)(b) and § 87(2)(b).
- **Allegation D – Abuse of Authority:** PO Henry Daverin refused to provide his shield number to § 87(2)(b) and § 87(2)(b) § 87(2)(g).

§ 87(2)(b) rejected mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b), is a § 87(2)(b) black male who is 5'8" tall, weighs 150 pounds, and has black hair and brown eyes.

CCRB Testimony

On May 10, 2012, § 87(2)(b) provided a statement when he filed his complaint (encl. 4-5) and he was interviewed at the CCRB on May 18, 2012 (encl. 6-10). § 87(2)(g)

On May 5, 2012, at 3:15 a.m., § 87(2)(b) who was by himself, drove to a convenience store located at § 87(2)(b) in Queens. He bought a bag of cat litter and a two-liter bottle of soda, which he placed in the passenger seat of his gray BMW X3. § 87(2)(b) parked in front of his home, located at § 87(2)(b). The store is approximately three and a half blocks from his home. While § 87(2)(b) was driving, he did not commit any traffic violations. He made a complete stop at every stop sign. As § 87(2)(b) opened his driver's side door, a black Chevy Impala stopped behind him with its lights flashing. The driver, a 6'0" white male who was identified through the investigation as PO Matthew Rehman, exited the vehicle and told § 87(2)(b) to get back into his car.

§ 87(2)(b) who was standing next to his rear driver's side door, held both of his hands up and asked why he needed to get in his car. At that point, a 5'8" white male officer, who was identified through the investigation as PO Henry Daverin, approached and handcuffed § 87(2)(b). PO Rehman told § 87(2)(b) to sit on the hood of their vehicle, which he did. PO Rehman asked § 87(2)(b) to whom the car belonged. § 87(2)(b) replied that the car belonged to him. PO

Rehman asked § 87(2)(b) for his identification. § 87(2)(b) said that he had a temporary license issued by the DMV, which did not include his photo. He told the officers that his identification was in the car, but he did not specify exactly where. § 87(2)(b) verbally provided his information. At that point, PO Daverin entered § 87(2)(b)'s passenger's side door and retrieved his identification from the glove compartment, which was closed but unlocked. PO Daverin remained inside § 87(2)(b)'s vehicle for several minutes. § 87(2)(b) was unable to see whether PO Daverin searched anywhere else in the car because his rear windshield is tinted. He did not grant PO Daverin permission to enter his vehicle. The investigation later determined that it was PO Rehman who entered § 87(2)(b)'s vehicle.

PO Rehman stated that there had been a shooting in the neighborhood a few days earlier. § 87(2)(b) responded that the shooting had nothing to do with him. During this conversation, § 87(2)(b)'s neighbor, § 87(2)(b) whose last name he did not know, came outside to see what was happening. PO Daverin exited § 87(2)(b)'s vehicle with the temporary license and § 87(2)(b)'s registration. PO Rehman then verified § 87(2)(b)'s license plate number and name over the radio. PO Rehman did not write down any of § 87(2)(b)'s information. The officers removed one handcuff, at which point § 87(2)(b) asked why he was stopped. PO Rehman told him that he failed to make a complete stop at a stop sign. § 87(2)(b) denied that this was true and asked PO Rehman to write a summons if he had in fact failed to stop at a stop sign. PO Rehman responded that he does not write summonses.

§ 87(2)(b) yelled, "Baby," in order to get his wife § 87(2)(b)'s attention. § 87(2)(b) came outside and asked what the problem was, but the officers ignored her. § 87(2)(b) was released without a summons. As the officers were leaving, § 87(2)(b) asked if he could obtain both officers' shield numbers. One of the officers, § 87(2)(b) did not recall which, replied, "Fuck that." § 87(2)(b) also addressed a request for the officers' shield numbers to both officers simultaneously, but they ignored her. § 87(2)(b) was on the steps to the house, approximately 15 to 20 feet away from the officers. The officers got in their car and drove away without issuing a summons.

Attempts to Contact Civilians

Between August 9, 2012, and August 17, 2012, the CCRB sent two letters and placed three calls to the phone number that § 87(2)(b) provided for § 87(2)(b). The letters were not returned to the CCRB by the US Postal Service. The phone number was out of service. To date, § 87(2)(b) has not contacted the CCRB.

§ 87(2)(b) did not provide an address or a last name for § 87(2)(b). On August 9, 2012, and August 16, 2012, the undersigned investigator left voicemail messages for § 87(2)(b) at the number that § 87(2)(b) provided. On August 16, 2012, a female called the undersigned investigator and stated that no one named § 87(2)(b) could be reached at that number.

NYPD Statements:

Subject Officer: PO MATTHEW REHMAN

- *PO Rehman is a § 87(2)(b)-old white male who is 6'2" tall, weighs 240 pounds, and has blond hair and blue eyes.*
- *PO Rehman worked with PO Daverin from 8:00 p.m. on May 4, 2012, to 4:35 a.m. on May 5, 2012. They were in plainclothes and were assigned to 103rd Precinct anticrime in an unmarked black Impala.*

Memo Book

According to PO Rehman's memo book (encl. 11-12), at 3:00 a.m., he conducted a car

stop at § 87(2)(b) § 87(2)(b) § 87(2)(b). PO Rehman prepared a stop and frisk report in regards for § 87(2)(b) § 87(2)(b).

Stop and Frisk Report

According to the stop and frisk report that PO Rehman filed (encl. 13-14), § 87(2)(b) was stopped on suspicion of criminal possession of a weapon. The circumstances leading to the stop were furtive movements and actions indicative of engaging in violent crimes. Additional factors included that the area has a high incidence of the reported offense, the time of day/week corresponded to criminal activity, the suspect associated with persons known for criminal activity, the proximity to the scene of suspected offense, evasive/false/inconsistent responses to questions, and changing directions at the sight of PO Rehman. The basis for the frisk was inappropriate attire possibly concealing a weapon, verbal threats, refusal to comply with directions, the violent nature of the suspected crime, furtive movements, and actions indicative of engaging in violent crimes.

CCRB Statement

PO Rehman was interviewed at the CCRB on September 5, 2012 (encl. 15-16). On May 5, 2012, at 3:00 a.m., PO Rehman was on patrol driving southbound on § 87(2)(b) § 87(2)(b) at the corner of § 87(2)(b) § 87(2)(b) in Queens, which is a four-way intersection with stop signs at all four corners. § 87(2)(b) was driving eastbound on § 87(2)(b) § 87(2)(b). § 87(2)(b) drove through a stop sign at a high rate of speed and screeched the tires of his vehicle as he made a left turn to proceed northbound onto § 87(2)(b) § 87(2)(b). § 87(2)(b) did not use his signal before making the turn. Additionally, after § 87(2)(b) made the turn, his vehicle was in the southbound lane. PO Rehman immediately pursued § 87(2)(b)'s vehicle. The speed limit is 30 miles per hour, and PO Rehman had to accelerate his vehicle up to about 40 miles per hour in order to catch up to § 87(2)(b)'s vehicle. Based on the way § 87(2)(b) was driving, PO Rehman believed that he may have just committed a crime and was trying to flee. The blocks around this vicinity had been host to several recent shootings and robberies.

PO Rehman engaged the turret lights, but § 87(2)(b) continued to drive for about 10 seconds, passing five or six open curb spaces where he could have stopped. PO Rehman hit the siren once or twice, but § 87(2)(b) drove and parked in front of his home, § 87(2)(b) § 87(2)(b). PO Rehman did not remember whether § 87(2)(b) legally parked, but he did not signal when he stopped. PO Rehman parked his vehicle behind § 87(2)(b)'s. He and PO Daverin exited their vehicle and § 87(2)(b) exited his vehicle. PO Rehman verbally told § 87(2)(b) to get back into his car and wait for the officers to approach. § 87(2)(b) responded by yelling, "Go fuck yourself." § 87(2)(b) walked toward the front of his vehicle, so PO Rehman screamed at § 87(2)(b) § 87(2)(b) once or twice more to get back in his vehicle. § 87(2)(b) complied. PO Rehman approached the driver's side window, which was open. PO Rehman did not know to what part of § 87(2)(b)'s vehicle PO Daverin approached.

§ 87(2)(b) said, "What the fuck do you want?" PO Rehman asked more than once for § 87(2)(b) for his license, registration, and insurance card. § 87(2)(b) repeated each time that he did not have any of those documents. PO Rehman asked him to step out of his vehicle because he wanted to take him to the stationhouse to verify his identity. § 87(2)(b) complied and exited the vehicle. PO Rehman informed § 87(2)(b) that unless he could produce identification, he would be arrested. At that point, § 87(2)(b) retrieved his wallet from a pocket and produced his driver's license. PO Rehman said that he needed the paperwork for the car. § 87(2)(b) got back into his driver's seat and reached across to his glove compartment to look for his registration and insurance card, but said he could not find them. PO Rehman walked around to the passenger's side window, which was open, and shone his flashlight into the car.

The registration and insurance were in plain view inside the glove compartment. PO Rehman reached into the glove compartment and took the documents because § 87(2)(b) was noncompliant in producing them. PO Daverin did not enter § 87(2)(b)'s vehicle. At some point, § 87(2)(b) was handcuffed, but PO Rehman did not remember when during the sequence of events this happened. PO Rehman confirmed that all the documents were valid. A female, known to the CCRB as § 87(2)(b) exited a house and yelled at the officers, "Why are you harassing him?" § 87(2)(b) was still upset and reached towards one of his pockets (PO Rehman did not recall which).

At that point, PO Rehman frisked § 87(2)(b)'s waistband and pants pockets. PO Rehman did not search § 87(2)(b). Immediately after the frisk, § 87(2)(b) took out his phone and placed a call to his mother. PO Rehman spoke with § 87(2)(b)'s mother, who apologized for § 87(2)(b)'s behavior and asked him to give § 87(2)(b) a break. PO Rehman asked § 87(2)(b)'s mother if she would handle the situation. She said that she would, so PO Rehman let § 87(2)(b) go with a verbal warning. § 87(2)(b) asked PO Rehman and PO Daverin for their names and shield numbers, which they provided. PO Rehman did not say, "Fuck that." PO Rehman explained to § 87(2)(b) that § 87(2)(b) was driving erratically and there had been a lot of shootings and robberies in the area. § 87(2)(b) responded by screaming and cursing.

PO Rehman completed a stop and frisk report. He accidentally checked off a box indicating that § 87(2)(b) was associating with an individual known for criminal activity. PO Rehman did not remember what § 87(2)(b) was wearing or why he marked that § 87(2)(b) was wearing inappropriate attire. § 87(2)(b) did not make any specific remarks threatening to harm PO Rehman.

Subject Officer: PO HENRY DAVERIN

- PO Daverin is a § 87(2)(b)-old white male who is 5'10" tall, weighs 240 pounds, and has brown hair and brown eyes.
- PO Daverin worked with PO Rehman from 8:00 p.m. on May 4, 2012, to 4:35 a.m. on May 5, 2012. They were in plainclothes and were assigned to anticrime in an unmarked Impala.

Memo Book

According to PO Daverin's memo book (encl. 17-18), at 3:00 a.m. there was a car stop at § 87(2)(b) involving § 87(2)(b) and at 3:20 a.m. there was a stop and frisk report prepared.

CCRB Statement

PO Daverin was interviewed at the CCRB on September 5, 2012 (encl. 19-20). He corroborated PO Rehman's account of the beginning of the incident. As the officers pursued § 87(2)(b)'s vehicle, § 87(2)(b) dipped his shoulders, which led PO Daverin to believe that he may have been secreting something in the vehicle. PO Daverin and PO Rehman exited their car and told § 87(2)(b) to get back into his car more than four times. § 87(2)(b) yelled that he did not do anything and refused to get back in his car. § 87(2)(b) also used profanity, but PO Daverin did not recall any specific remarks that § 87(2)(b) made. PO Daverin immediately frisked § 87(2)(b)'s waistband and legs because his behavior had been very aggressive. He did not remove anything from § 87(2)(b)'s pockets.

§ 87(2)(b) continued to yell and a female, known to the CCRB as § 87(2)(b) came outside. She asked PO Daverin for his name and shield number, which he provided. Another male exited a home and was yelling derogatory remarks towards the officers. § 87(2)(b) also asked PO Daverin for his name and shield number, which he provided in writing. PO Daverin did not hear § 87(2)(b) ask PO Rehman for his name and shield number. Neither PO Daverin nor

Allegation Not Pleaded

Although § 87(2)(b) alleged that he was told “Fuck that” in response to a request for name and shield number, he did not recall which officer made the remark § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Matthew Rehman stopped § 87(2)(b)

§ 87(2)(b) alleged that he drove home from a convenience store, while not committing any traffic violations, and was stopped immediately after parking and exiting his vehicle near his home. PO Rehman and PO Daverin both testified that they were on routine patrol when they observed § 87(2)(b) commit multiple traffic violations and drive recklessly. This led them to believe that § 87(2)(b) may have been fleeing a crime scene. PO Rehman used his discretion not to issue § 87(2)(b) a summons after speaking with § 87(2)(b)'s mother on the phone. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Allegation B – Abuse of Authority: PO Matthew Rehman searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) stated that he was sitting on the hood of his vehicle handcuffed when he informed the officers that his identification was inside of his vehicle. At that point, PO Rehman went into the glove compartment, which was closed, and retrieved the identification. PO Rehman stated that when he asked § 87(2)(b) for his registration and insurance information, § 87(2)(b), who was still sitting in the driver's seat, reached and opened the glove compartment. PO Rehman observed that the documents were in plain view and retrieved them himself. PO Daverin did not remember whether either officer ever entered § 87(2)(b)'s vehicle. However, he did state that § 87(2)(b) moved furtively while the officers were pursuing his vehicle, which led PO Daverin to believe that § 87(2)(b) may have been secreting something in the car.

§ 87(2)(b) did not allege that the officers searched anywhere else in his vehicle other than the glove compartment § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Allegation C – Abuse of Authority: PO Matthew Rehman refused to provide his shield number to § 87(2)(b) and § 87(2)(b)

Allegation D – Abuse of Authority: PO Henry Daverin refused to provide his shield number to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that both PO Rehman and PO Daverin refused requests from him and his wife, § 87(2)(b) for their names and shield numbers. § 87(2)(b) did not respond to the investigator's contact attempts. § 87(2)(g)

According to PO Rehman, he and PO Daverin provided their names and shield numbers upon request. He did not mention § 87(2)(b) asking the officers for their shield

numbers. PO Daverin stated that he provided § 87(2)(b) and § 87(2)(b) with his name and shield number upon request. He did not recall either civilian asking PO Rehman for his information. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date